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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

United States District Court  
Southern District of Texas  
FILED

AUG 28 1998

Michael N. Milby  
Clerk of Court

CRISTOBAL BENAVIDEZ

VS.

UNITED STATES OF AMERICA

§  
§  
§  
§  
§

CIVIL CASE NO.  
M-97-CV-118

United States District Court  
Southern District of Texas  
ENTERED

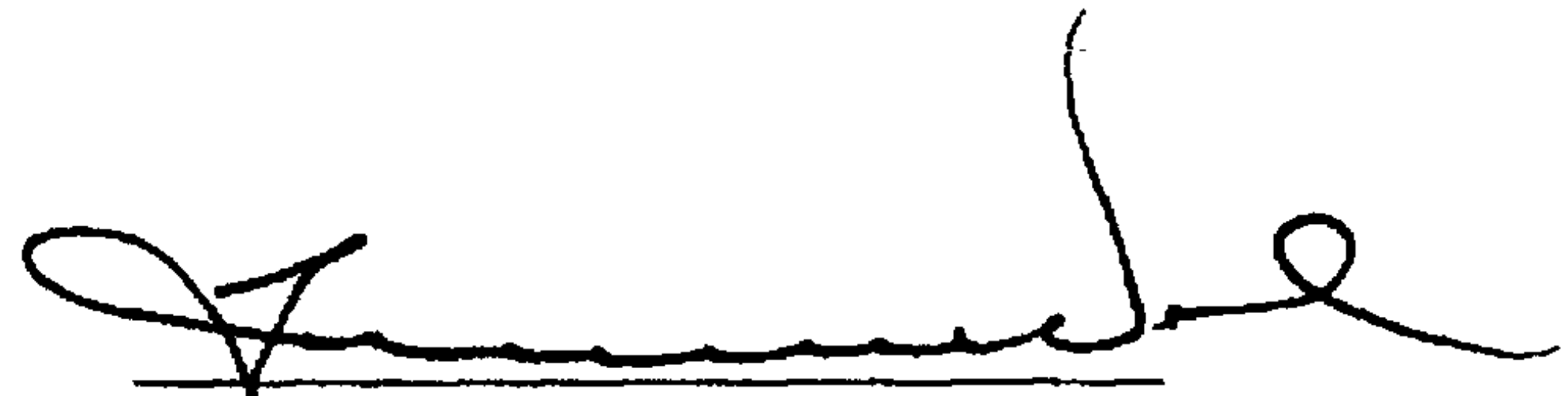
SEP - 1 1998

Michael N. Milby  
Clerk of Court

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**  
**and DISMISSING PETITION and DENYING BENAVIDEZ'S MOTION TO VACATE,**  
**SET ASIDE, OR CORRECT SENTENCE**

Before the Court is Magistrate Judge's Report and Recommendation on the above-referenced cause of action. After a de novo review of the entire file, it is of the opinion of this Court that the Magistrate Judge's Report and Recommendation of March 4, 1998 be adopted and that Benavidez's Motion to Vacate, Set Aside, or Correct Sentence be DENIED. Furthermore, it is of the opinion of this Court that the Government's Motion to Dismiss be GRANTED. The above action constitutes an effective dismissal of this case.

DONE this 28<sup>th</sup> of August, 1998, in Brownsville, Texas.



Filemon B. Vela  
United States District Court Judge